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TO AMEMBASSY BUJUMBURA PRIORITY

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INFO RWANDA COLLECTIVE

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 C O N F I D E N T I A L STATE 335035

GENEVA FOR RMA

E.O. 12356: DECL: OADR

TAGS: PREF PHUM MOPS CG RW

SUBJECT: RWANDAN REFUGEE MOVEMENTS -- SECURITY DEVELOPMENTS

REF: (A) 94 GENEVA 10731

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UNITED STATES DEPARTMENT OF STATE
 REVIEW AUTHORITY: JOHN L. MILLS
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1. C - ENTIRE TEXT

2. PER REFTEL, THE IDEA OF SEPARATING THE EX-IGOR ELEMENTS FROM THE RWANDAN REFUGEE CAMPS IN ZAIRE HAS BEEN RESURRECTED AND THE GOZ NOW PLANS TO MOVE FORTY EX-IGOR/FAR LEADERS TO KINSHASA FOR SOME KIND OF ONWARD MOVEMENT TO THIRD COUNTRIES. THE INTERNATIONAL ORGANIZATION FOR MIGRATION (AND POSSIBLY UNHCR) IS TO BE INVOLVED. ASIDE FROM THE OBVIOUS QUESTIONS OF WHETHER THE FORTY WOULD WILLINGLY LEAVE THE CAMPS AND WHETHER THE GOZ IS NOW PREPARED TO USE FORCE, THE DEPARTMENT IS CONCERNED THAT THOSE WHO MAY BE GUILTY OF GRAVE VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW, INCLUDING GENOCIDE, WILL BE AVAILABLE FOR PROSECUTION. NOW THAT THE INTERNATIONAL TRIBUNAL HAS BEEN ESTABLISHED BY THE SECURITY COUNCIL AND WILL SOON BE UP AND RUNNING, IT WOULD BE PARTICULARLY UNFORTUNATE IF PERSONS AMONG THIS GROUP, SUCH AS EX-IGOR/FAR LEADERS, WHO SHOULD BE PROSECUTED ESCAPE SUCH PROSECUTION BY VIRTUE OF THIS TRANSFER. IN PARTICULAR, THE USG WISHES TO AVOID INVOLVEMENT OF ORGANIZATIONS THAT WE HAVE BEEN FUNDING IN ANY ACTIONS THAT WOULD PERMIT PERPETRATORS OF THESE SERIOUS CRIMES TO ESCAPE JUSTICE.

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3. DEPARTMENT BELIEVES THAT THESE INDIVIDUALS SHOULD NOT BE MOVED UNTIL THE CHIEF PROSECUTOR OF THE RWANDA TRIBUNAL, JUSTICE GOLDSTONE, HAS BEEN CONSULTED AND AGREES THAT TRANSFER WOULD NOT IMPEDE HIS EFFORTS.

4. THE FEAR THAT INTERNALLY DISPLACED RWANDANS IN THE SOUTHWEST MIGHT BECOME REFUGEES IN BURUNDI OR ZAIRE AS THE GOR MOVES TO SHUT DOWN THE IDP CAMPS HAS BEEN REPORTED MANY TIMES. NOW THAT THE RPA IS CLOSING MORE CAMPS AND THE MAJORITY OF THE IDPS ARE SIMPLY MOVING TO OTHER CAMPS CLOSER TO THE BORDERS, THE FEAR IS BECOMING EVER MORE REALISTIC. IT IS THOUGHT POSSIBLE THAT SOME SIXTY PERCENT (ABOUT 250,000 PEOPLE) OF THE IDPS MIGHT SHORTLY MOVE INTO BURUNDI AND ZAIRE (AND EVEN TANZANIA), UNLESS THE GOR BACKS AWAY FROM ITS DECEMBER 31 DEADLINE FOR CAMP CLOSURES.

5. FOR KINSHASA: CAN EMBASSY SHED ANY FURTHER LIGHT ON

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GOZ CURRENT INTENTIONS VIS A VIS THE EX-IGOR/FAR LEADERSHIP AND ON WHETHER THE GOZ IS NOW PREPARED TO USE FORCE TO EXTRACT SOME FORTY OF THAT GROUP? IF THE 40 ARE TRANSFERRED TO KINSHASA, IS IT LIKELY THAT THEY WILL GO ELSEWHERE OR GO INTO HIDING, AND THUS NOT BE AVAILABLE TO THE TRIBUNAL AT SUCH POINT AS THE PROSECUTOR MAY BE WILLING TO SEEK INDICTMENTS?

6. FOR GENEVA: MISSION IS REQUESTED TO URGENTLY INFORM IOM AND UNHCR THAT WE ARE CONCERNED THAT PERPETRATORS OF GENOCIDE AND OTHER VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW MAY BE AMONG THE 40, AND THUS WE BELIEVE CONFIDENTIAL

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IT IS CRITICAL THAT THE CHIEF PROSECUTOR BE INFORMED AND GIVEN AN OPPORTUNITY TO WEIGH IN ON THE QUESTION OF TRANSFER OF THESE PERSONS. IOM AND UNHCR SHOULD CONTACT GOLDSTONE THROUGH THE UN TO SEEK HIS VIEWS, AND NOT RELEASE THE 40 UNTIL HE IS SATISFIED WITH THE ARRANGEMENTS. NOTE THAT WE DO NOT DISAPPROVE OF ACTIONS BY ZAIRE TO TAKE PERSONS AS TO WHOM THERE IS EVIDENCE OF THEIR HAVING COMMITTED GRAVE CRIMES INTO CUSTODY FOR TRIAL IN ACCORDANCE WITH LOCAL LAW.

7. FOR BUJUMBURA AND KINSHASA: PLEASE MEET WITH THE LOCAL UNHCR REPRESENTATIVES TO REVIEW THE STATE OF PREPAREDNESS FOR RECEIVING ADDITIONAL LARGE REFUGEE FLOWS AND ADVISE.

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